IN RE: PETITION FOR ADMIN. VARIANCE

E/S Silver Lane, 150' N of the c/l of River Road

(2105 Silver Lane)
15th Election District
7th Councilmanic District

Robert J. Schmidt, et ux

Petitioners

BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 99-134-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Robert J. and Annette Schmidt. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit principal building setbacks of 32 feet (side) and 34 feet (rear) in lieu of the required 50 feet each for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of this Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ate (0) 20/98 FILING

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to minimize any effects the proposed development might have on the Bay and its tributaries, pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). As of the date of this Order, DEPRM had not completed its review of this project. Therefore, the relief granted herein shall be conditioned upon Petitioner's compliance with any recommendations made by DEPRM upon completion of their review.

Fursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29 day of October, 1998 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit principal building setbacks of 32 feet (side) and 34 feet (rear) in lieu of the required 50 feet each for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

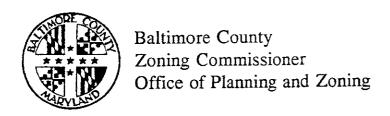
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to insure that the relief requested complies with Chesapeake Bay Critical Areas requirements.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

CALLET RECUPLY OF THIS ING Date 10 29 98



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

October 29, 1998

Mr. & Mrs. Ropert J. Schmidt 2105 Silver Lane Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Silver Lane, 150' N of the c/l of River Road
(2105 Silver Lane)
15th Election District - 7th Councilmanic District
Robert J. Schmidt, et ux - Petitioners
Case No. 99-134-A

Dear Mr. & Mrs. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Mark Tracey
5422 Council Street, Baltimore, Md. 21227

Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; File

REVIEWED BY:

ESTIMATED POSTING DATE:

DATE

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

2105 Silver Lane

Zoning Commissioner of Scitimore County

This Petition shall be filed with the Dept.	of Permits & Development Mana	genent
The undersigned, legal owner(s) of the prop-	erty situate in Baltimore County and w	hich is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Variance from Section(s) /A04, 3, B, 2 To

Permit finciful Building Sethacks of 32 and 34 Ft. (Sideand rear)
In Lieu of 50 FT. (For a Proposed addition)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Affidavit.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

			i/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petrior.
Contract Purchaser/Lessee			Robert J. Schmidt
(Type or Print Name)			(Type di Print Name) Rol et A
Signature		**************************************	Annette Schmidt
Address			(Type or Print Name) Annette Schmidt
City	State	Zipcode	Signature
Attorney for Petitioner			2005 Silver Lane 410-68
(Type of Print Name)			Baltimore, Md 21241 City State Zipcode
Signature			Name, Address and phone number of representative to be contacted May X Tyaccy
Address	Phone No		Name 5492 Council St 410-242-1
City	State	Zipcode	Address La Cto. Md-21227 Phone No

Printed with Soybean on Recycled Paper

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at address Bultiwore, Mc JIMI CRY State State That the Affiant(s) does/do presently reside at address Bultiwore, Mc JIMI CRY State Tap Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate tetratable or practical difficulty) I have a faw(y of fav(4) Ladu/ts and L reed extra space. I have only a 14' x25' basement for storage The addition (abuld beuse) as a family (abuld beuse)
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. ORE Constitution (b) Constitution (c) Const

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to
testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
That the Amani(s) does/do presently reside at
Baltimore, MA 21231
City / State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative
Variance at the above address: (indicate hardship or practical difficulty) I hour a family of Four (4) Ladults
A I O I GO OU I TO WOOD PORTO
and I feenagers and I need extra
Space . I have only a 17 x75 pasement
18 USE FOR Storage, he addition would
be used as a family room.
·
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and
may be required to provide additional information
Bobel for sal I I Chrolle Schmidt
toward hotel Schmidt Annette Schmidt
(type or print name) (type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 8th day of 1978, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appeared
Robert Schmidt + Annette Schmidt
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
9-898 - Warley Public Meredith

99-134-A



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04,3, B,2 TO

PERMIT PRINCIPAL BUILDING SETBACES OF 32 AND 34 FT (SIDE AND REAR)

INLIEU OF 50 FT, (FOR A PROPOSED ADDITION)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE AFFIDAULT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		legal owner(s) of the property which is the subject of this Petition.
		Robert J. Schwidt
		(Type of Fifth Name)
		Signature Aunette Schmidt
	.	(Type of Bugt Name) Christe Schmidt
State	Žipcode	Signature
		2105 Silver Lane 410-687-36
		Bultimore, Md 21031 State Zipcode
·		Name, Address and phone number of representative to be contacted
		Mark Trace
Phone	No	S427 Council St. 410-247-1547
State	Zipcode	Address Balto. Md. 212 Papalo.
	Phone	Phone No

circulation throughout Baltimore County, and that the property be reposted



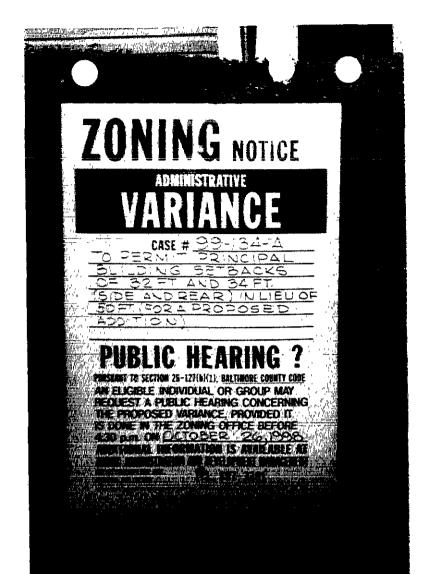


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ZONING DESCRIPTION FOR 2105 SILVER LANE AND 2107 SILVER LANE

Beginning at a point or the east side of Silver Lane which is 40 feet at the distance of 150 feet north of the centerline of the nearest improved intersecting street River Road, which is 40 feet wide. As recorded in Deed Liber 8500 folio 90 in the sub-division of Cedar Beach as recorded in Baltimore County plat book #12 folio #90, containing 20,000 sq ft. Also known as 2105-2107 Silver Lane and located in the #15 Election District.

BALTIMORE COUNTY, MARYL. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 10 1 98 ACCOUNT R016150 AMOUNT \$ 50.00 RECEIVED TRACEY FOR: RV ADMIN FILIM.	PATT RESERVENT TIME 10/01/1998 10/01/1998 11/26:15 RE WOOJ CASHIER PAES PEU DROMER J 5 MISCELLANDUS CASH RECEIPT PACSIPT # 060722 GELE CI NO. 050741 FOLGO CHECK Baltimore County, Maryland
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION







RE:	Case No.: 99-134-A
	Petitioner/Developer:
	SCHMIDT.
	Date of Hearing/Closing: 10-26-98
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	• •
This letter is to certify under the penalties of perjury twere posted conspicuously on the property located at # 2105 SILVER	
The sign(s) were posted on OCTOBER 10 (Mont), 1998 h, Day, Year)
	incerely,
	(Signature of Sign Poster and Date)
_	TAPLAND E. MOORE (Printed Name)
	3725 RYEKSONI CINCLE (Address)
· —	BACTIMONE, MD. 2122)
((City, State, Zip Code) (410) 247-4763
	(Telephone Number)

9/96 cert.doc BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW



Case Number 99- 134 -A Address 2105 SILVER LA		
Contact Person: John Lews Phone Number: 410-887-3391		
Filing Date: 16/198 Planner, Please Print Your Name Posting Date: 16/11/98 Closing Date: 16/26/9		
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.		
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.		
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.		
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.		
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.		
(Detach Along Dotted Line)		
Petitioner: This Part of the Form is for the Sign Poster Only		
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT		
Case Number 99-134 -A Address 2105 SILVER LA		
Petitioner's Name SCHMIDT. Telephone 687 3603		
Posting Date: 10/11/98 Closing Date: 10/26/98		
Nording for Sign: To Permit PRINCIPAL BUILDING SETBACKS OF		
32 FT, AND 34 FT. (SIDE AND REAR) IN LIEU OF GO FT. (FOR		
A PROPOSED ADDITION)		

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

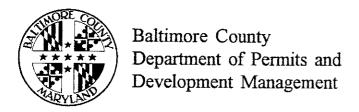
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 134 Petitioner:Schm/d+
Address or Location: 2105 Silver Lane
PLEASE FORWARD ADVERTISING BILL TO:
Name: Kobert J. Schmidt
Address: 1105 Silver Lane
Baltimore, Md. 21221
Telephone Number: 4/0-687-3603-WORK 410-850-4657

Revised 2/20/98 - SCJ

99-134-A



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 26, 1998

Mr. Mark Tracey 5422 Council Street Baltimore, MD 21227

RE: Item No.: 134

Case No.: 99-134-A

Location: 2105 Silver Lane

Dear Mr. Tracey:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October OCTOBER 1, 1998.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: October 14, 1998

TO: Arnold Jablon, Director
Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s): Item No (s): 121, 132, (134) 137, 138 and 139

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Parris N. Glendening Gavernar

David L. Winstead Secretary

Parker F. Williams Administrator

10.13.9V

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE:

Item No. 134

116

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (Igredlein@sha.state.md.us).

Very truly yours,

Ronald Burns, Chief

1. J. Solle

Engineering Access Permits

Division

LG

10/29 watch R

Date: October 26, 1998

TO:

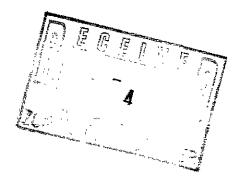
Arnold Jablon

FROM:

R. Bruce Seeley RAM

SUBJECT:

Zoning Item #134



Schmidt Property - 2105 Silver Lane

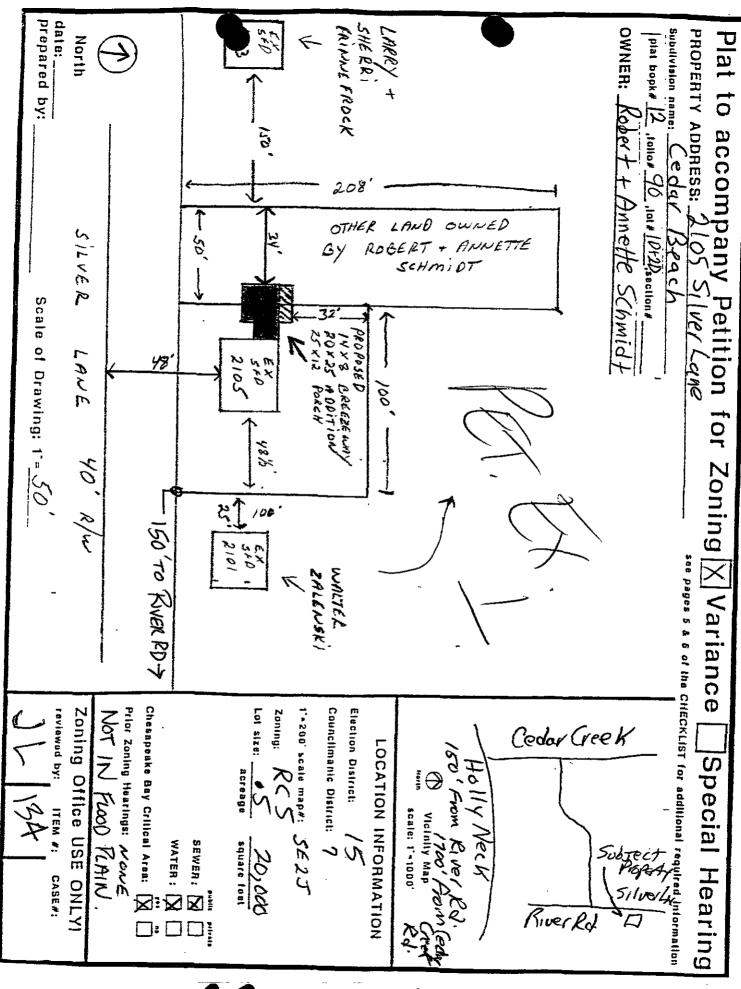
Zoning Advisory Committee Meeting of October 13, 1998

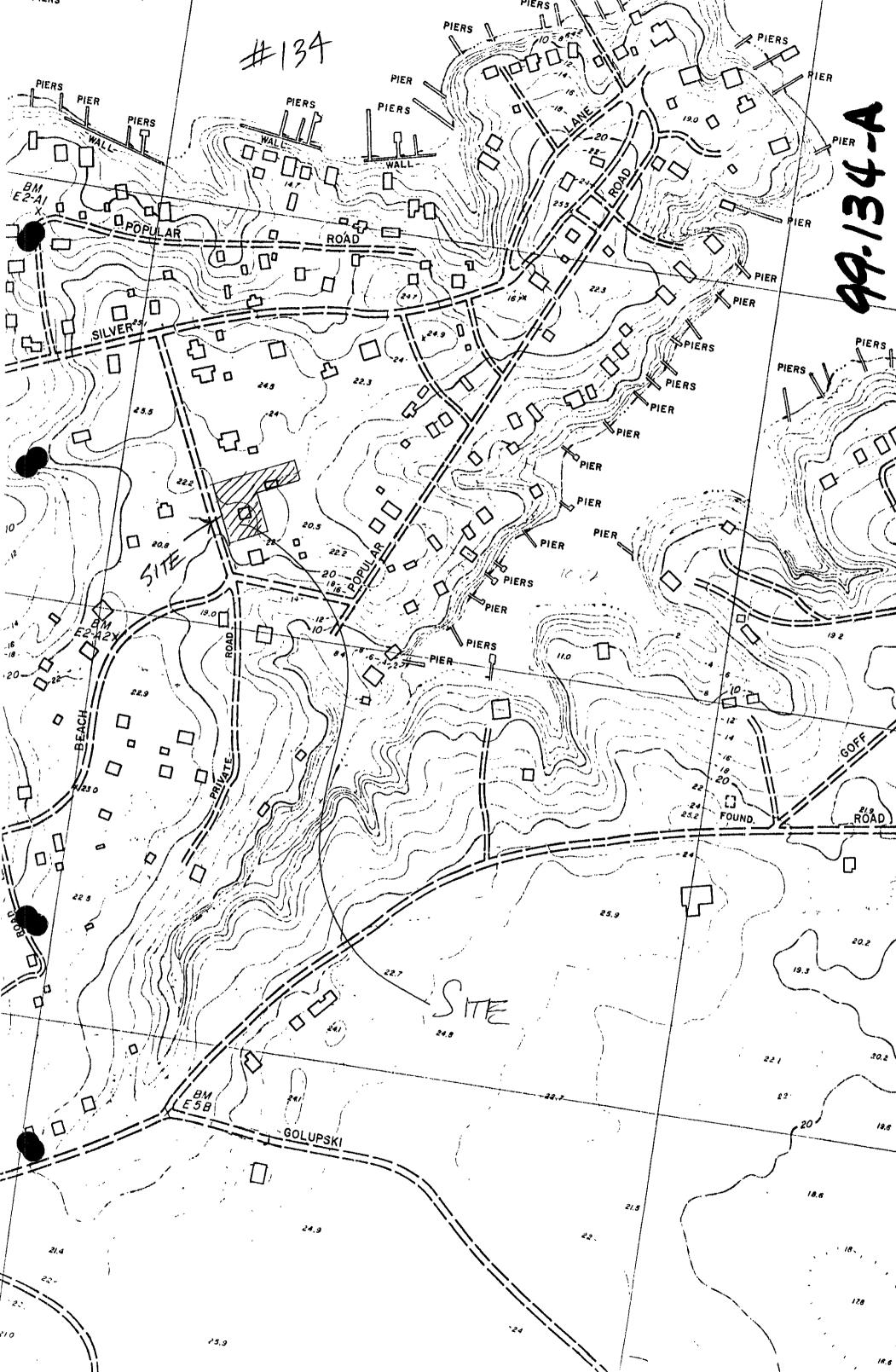
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.			
	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.			
X	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:			
		Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).		

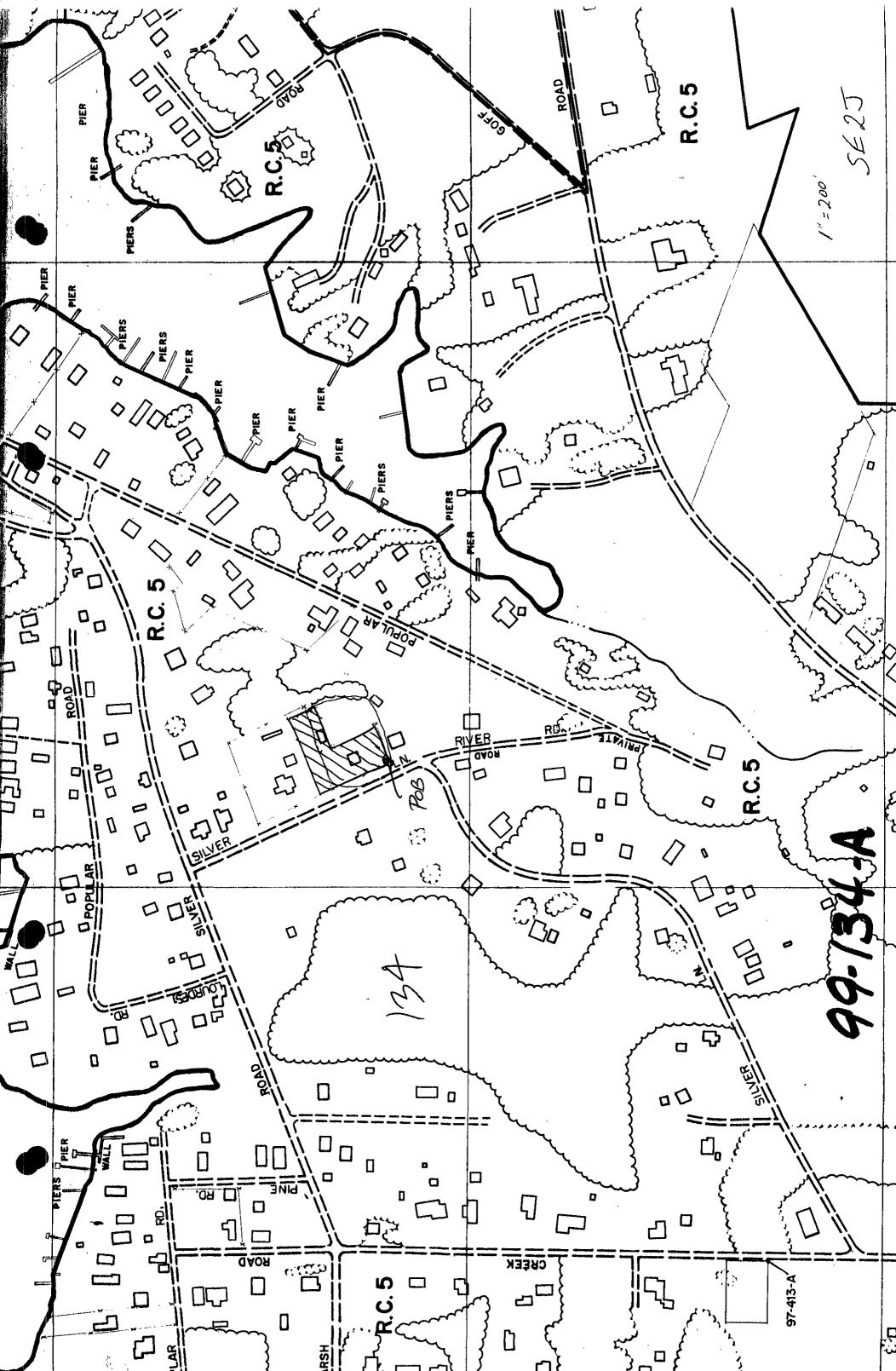
X Development of this property must comply with the Chesapeake Bay

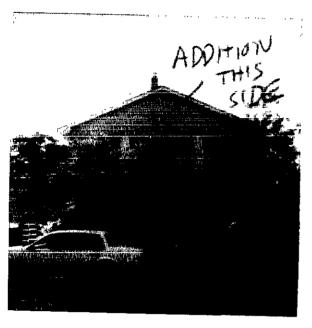
Sections, of the Baltimore County Code).

Critical Area Regulations (Sections 26-436 through 26-461, and other









134



139 ADD. THIS SIDE,



134

99-134-A



ADJ. LOT WITH PROP.

ADDITION AREA



134 REAR,



0FF ZONING

HOLLY NECK